



# Illinois Department of Natural Resources

One Natural Resources Way • Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Rod R. Blagojevich, Governor

Sam Flood, Acting Director

January 27, 2011

Mr. Dennis Sandquist  
Director  
McHenry County Dept of Planning & Development  
2200 North Seminary Avenue  
Woodstock, IL 60098

**RE: Harmony Telecommunications Tower & Equipment Shelter, Union, McHenry County  
Endangered Species Consultation Program  
Natural Heritage Database Review # 1009108**

Dear Mr. Sandquist:

The Department received this proposed action, located in Township 43 North, Range 6 East, Section 28 from TriLeaf Consultants for consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The proposed action, the construction of a 190-foot tall telecommunications tower and associated equipment shelter, is located south of Church Road and east of Harmony Hill Road. The parcel is in the vicinity of several records of occurrence of the State-listed endangered **Swainson's Hawk**, *Buteo swainsoni*. The parcel is northeast, and east, of two pairs of documented nest sites and is within the foraging radius for other pairs that have been recorded in the area.

These hawks rely on short grass prairies, grain and hay fields, pastures, and open fields for foraging as their diet mainly consists of small mammals, insects, and birds. They require large areas of open space to sustain successful reproduction and healthy populations. Active nests of this species require a minimum of two square miles of foraging habitat and up to 12 square miles when hunting is poor. When too much of the foraging area is converted to residential and other non-agricultural uses, the hawks will abandon this vicinity. Unfortunately, this critical point is currently unknown. In the long run, if development in the county continues at its current pace and direction, the few acres of open space may or may not be enough to guarantee a sufficient amount of undeveloped area remains to support a nesting pair of hawks or to offset the long-term adverse cumulative effects on the species.

In August 2010, the Department was in correspondence with staff from TriLeaf regarding this project since they submitted the EcoCAT to the Department. The Department asked TriLeaf staff if US Cellular would be able to commit to construction of the project between October 1, 2010 – March 31, 2011 (while these hawks are at their wintering grounds in South America) to prevent disturbances to potential Swainson Hawks in the area. TriLeaf responded that they could. Since then, the Department discovered that the tower and shelter had not yet been built and that construction was slated for first quarter of 2011.

Construction and development activities which occur near nest sites may have the consequence of harassing Swainson's Hawks. This is important since research has shown that some hawks prefer to use the same nest sites for one or more years. To minimize potential impacts to the area's protected resources, the Department recommends that the following measure(s) be implemented by the developer and incorporated into the County's project authorization.

1. It is recommended that if construction activities are near a nest then construction activities should be limited to periods outside of the Swainson's breeding season (breeding season is usually from early April to late September).
2. If construction must occur during the breeding season, then biological surveys for this species are recommended. The applicant should be aware that the likelihood of Incidental Take increases if development occurs close to a nest site, as the definition of Take includes 'to harass'. Please note that if any Swainson's Hawk nests are discovered before or during the construction phase for this tower/shelter project, an incidental take is likely to occur and Incidental Take Authorization from the Department's Office of Resource Conservation is encouraged before the project continues.

Consultation on the part of the Department is completed. In accordance with 17 Ill. Adm. Code 1075.40(h), the County must notify the Department of its decision regarding these recommendations, whether they will:

- Allow the action to proceed as originally proposed;
- Require the action to be modified per Department recommendations (please specify measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available that was not previously considered, the proposed action is modified, or additional species, essential habitat, or Natural Areas re identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Cordially,



Kathi Davis  
Impact Assessment Section  
Division of Ecosystems & Environment  
[Kathi.davis@illinois.gov](mailto:Kathi.davis@illinois.gov)  
Ph: (217) 557-0483 Fax (217) 524-4177

enclosure

cc: Brad Semel, IDNR/Region II/Restoration Ecology  
Ray Eisbrener, IDNR/Region II/Wildlife  
Elizabeth Kessler, McHenry County Conservation District  
Joseph Becker, Trileaf Environmental & Property Consultants  
Cindy Skrukrud, McHenry County Defenders/1075.70  
Lisa Haderlein, Land Conservancy of McHenry County/1075.70